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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,899	11/18/2003	Julie Snedeker	66116-034-7	3976

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EXAMINER

HOEY, ALISSA L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,899	Applicant(s) SNEDEKER, JULIE	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-5,7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 5, line 21, should "payer" read "layer"?

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: on page 5, line 11 "left liner zipper 11" should read "left liner zipper 12".

Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" (figure 3) has been used to designate both the jacket zipper closure and the left jacket liner zipper. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 2 is objected to because of the following informalities: in line 2, should "an" read "and"? Appropriate correction is required.
5. Claims 6-8 are objected to because of the following informalities: there is no antecedent basis for "the inner layer" in claim 1 which claims 6-8 depend from. Appropriate correction is required.
6. Claims 7 and 8 are objected to because of the following informalities: a "fifth material strip" is called for yet there is no support in claims 1 and 6, which claims 7 and 8 depend from having a third or fourth material strip. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 contains the trademark/trade name Velcro. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fasteners and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge (US 5,127,106) in view of Gershman (Velcro digest).

In regard to claim 1, Aldridge teaches a rescue coat (10) which comprises an outer shell (18) which includes a first front panel having first and second vertical fastener halves (74, 54), a second front panel having third (76) and fourth (54) vertical fastener halves and a removable jacket liner (44, 42) having fifth (52) and sixth (52) vertical fastener halves. One of the first and third (74, 76) vertical zipper halves including a first slider (72) for interengaging or disengaging the first (74) and third (76) zipper halves. The first and third zipper halves (74, 76) and the first slider (72) defining a closure zipper for the coat. One of the second (54, 52) the fifth fastener halves including a second fastener for interengaging and disengaging the second and fifth vertical fastener halves (54, 52). The second and fifth fastener (54, 52) halves and the second fastener defining a first liner fastener for the coat and one of the fourth and sixth fastener (54, 52) halves including a third hook and loop fastener for interengaging and disengaging said fourth and sixth fastener halves (54, 52). The fourth and sixth fastener halves and the third hook and loop fastener defining a second liner fastener for the coat (figure 4). The first front panel including a first material strip (56) which provides a first

vertical flap that covers an inside of the first liner fastener (52, 54). The second front panel including a second material strip (58) which provides a second vertical flap which covers the inside of the second liner fastener (52, 54).

However, Aldridge teaches the liner fasteners being hook and loop fasteners and not zipper fasteners.

Gershman teaches the equivalent and interchangeability of hook and loop fasteners and zipper fasteners (see article).

It would have been obvious to have provided the fastening system of Aldridge with the zipper fastener of Gershman, since the fastening system of Aldridge provided with the zipper fasteners for attaching and reattaching the liner to the outer shell would provide a secure fastening system that is secure due to the fact that zipper fasteners have to be perfectly lined up to be secured together avoiding a fastener being non-fully secured.

10. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge and Gershman in view of Grilliot (US 6,728,970).

Aldridge and Gershman teach a fastening system as described above in claim 1. However, Aldridge and Gershman fail to teach the first and second front panels having inner and outer layers being stitched together.

In regard to claims 2 and 6, Grilliot teaches the first and second front panels having inner and outer layers being stitched together (figure 5, identifiers 80, 70 column 2, lines 28-36).

It would have been obvious to have provided the first and second front panels of Aldridge and Gershman having inner and outer layers as taught by Grilliot, since the fastening system garment of Aldridge and Gershman provided with inner and outer layers would provide for additional warmth and protection to the user from the elements.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge and Gershman in view of Chang (US 6,668,384).

Aldridge and Gershman teach a fastening system as described above in claim 1. However, Aldridge and Gershman fail to teach a first and second weather flap attached to the first and second front panels to cover the first and third zipper halves when interconnected to close the coat and the flaps being attached together by hook and loop fasteners. Aldridge does teach one flap attached to the second front panel to cover the first and third zipper and the flap being secured by hook and loop fastening means.

In regard to claim 9, Chang teaches a jacket (figure 4) having first and second weather flaps attached to the first and second front panels to cover the front zipper closure of the jacket (figure 5).

It would have been obvious to have provided the fastening system of Aldridge and Gershman with the second flap located on the first front panel of Chang, since the fastening system of Aldridge and Gershman provided with a second flap on the first front panel would provide for even more protection to the front zipper closure from the elements.

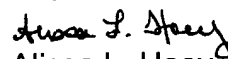
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lapedes, Kessler, Grilliot et al., Aldridge, Hexels, Cochran, Hartbrodt, Frick, Shane and Carmen are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (703) 308-6094. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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